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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

KRISTIN K. MAYES, Chairman
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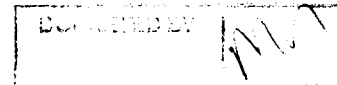
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Arizona Corporation Commission

DOCKETED

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

SEP 23 2009



IN THE MATTER OF THE APPLICATION OF
SOLARCITY CORPORATION FOR A
DETERMINATION THAT WHEN IT PROVIDES
SOLAR SERVICE TO ARIZONA SCHOOLS,
GOVERNMENTS, AND NON-PROFIT ENTITIES
IT IS NOT ACTING AS A PUBLIC SERVICE
CORPORATION PURSUANT TO ART. 15,
SECTION 2 OF THE ARIZONA CONSTITUTION.

DOCKET NO. E-20690A-09-0346

PROCEDURAL ORDER

BY THE COMMISSION:

On July 2, 2009, SolarCity Corporation ("SolarCity" or "Company") filed with the Arizona Corporation Commission ("Commission") an application to determine that when SolarCity provides solar service to Arizona schools, governments, and non-profit entities it is not acting as a public service corporation pursuant to Article 15, Section 2 of the Arizona Constitution ("Application"). The Application requested expedited consideration of two specific Solar Service Agreements ("SSAs") it has entered into with the Scottsdale Unified School District.

On July 22, 2009, a procedural order was issued setting a schedule for the processing of the Application, including public notice requirements, discovery deadlines, filing deadlines, and a hearing date for SolarCity's adjudication request.

The July 22, 2009 procedural order granted intervention to the Residential Utility Consumer Office, the Salt River Project and Improvement District, Arizona Public Service Company, Tucson Electric Power Company, UNS Electric, Inc., Navopache Electric Cooperative, Freeport-McMoRan Copper and Gold Inc., Arizonans for Electric Choice and Competition, and Mohave Electric Cooperative.

By Procedural Order issued August 12, 2009, intervention was granted to Western Resource Advocates ("WRA"), SunPower Corporation, Sulphur Springs Valley Electric Cooperative, Inc.,

1 SunRun, Inc., Agua Fria Union High School District; Chandler Unified School District; Casa Grande
2 Elementary School District; Continental Elementary School District; Dysart Unified School District;
3 Fountain Hills Unified School District; Ft. Thomas Unified School District; Gilbert Unified School
4 District; Miami Unified School District; Nadaburg Unified School District; Payson Unified School
5 District; Pendergast Elementary School District; Pine-Strawberry Elementary School District;
6 Riverside Elementary School District; Roosevelt Elementary School District; Round Valley Unified
7 School District; Tolleson Elementary School District and Union Elementary School District.

8 On August 4, 2009, SolarCity filed an Affidavit of Publication and Certification of Mailing
9 indicating compliance with the public notice requirements of the July 22, 2009 procedural order.

10 On August 24, 2009, SolarCity filed its pre-filed witness testimony and exhibits.

11 On September 17, 2009, Decision No. 71277 was issued approving the SSAs.

12 On September 22, 2009, the Commission's Utilities Division ("Staff") filed a Motion for
13 Extension of Time to File Staff Testimony (Track II). Therein, Staff requests an extension of time
14 from September 23, 2009 to September 30, 2009 for filing its testimony. Staff states that due to the
15 novel issues raised in this case, and the fact that other matters and cases have required Staff's
16 attention, more time is required for Staff to complete its analysis. Staff states that it sees no need to
17 change the hearing date of October 14, 2009, in this matter and that it therefore does not believe any
18 party will be prejudiced by grant of its request. Staff states that it has been informed that SolarCity
19 does not object to the request.

20 On September 22, 2009, WRA filed a Response to Staff's motion. WRA states that it does
21 not oppose Staff's request, but requests that the same time extension apply to the other parties to this
22 proceeding.

23 On September 23, 2009, RUCO filed its own Motion for Extension of Time to File Direct
24 Testimony (Track II). RUCO also requests an extension of time to September 30, 2009, for filing its
25 direct testimony. RUCO states that due to the extraordinary number of cases it is currently working
26 on, it will need more time to complete its analysis and prepare its testimony. RUCO states that it
27 makes its motion in good faith and not for the purpose of delay, and that counsel for SolarCity has
28 informed RUCO that it does not object to the request.

1 Staff's and RUCO's requests for an extension of time are reasonable and should be granted.
2 As WRA requests, the same extension of time should apply to the other parties to this proceeding.

3 IT IS THEREFORE ORDERED that the **Staff Report and/or any testimony** and associated
4 exhibits to be presented at hearing on behalf of Staff shall be reduced to writing and filed on or before
5 **September 30, 2009.**

6 IT IS FURTHER ORDERED that any **testimony** and associated exhibits **to be presented at**
7 **hearing on behalf of intervenors** shall be reduced to writing and filed on or before **September 30,**
8 **2009.**

9 IT IS FURTHER ORDERED that **all filings shall be made by 4:00 p.m. on the date the**
10 **filing is due.**

11 IT IS FURTHER ORDERED that any **objections to testimony or exhibits that have been**
12 **prefiled as of September 30, 2009, shall be made before or at the October 9, 2009, pre-hearing**
13 **conference.**

14 IT IS FURTHER ORDERED that all other procedural deadlines set forth in the July 22, 2009
15 procedural order remain in effect.

16 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
17 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission *pro*
18 *hac vice.*

19 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
20 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
21 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances
22 at all hearings and procedural conferences, as well as all Open Meetings for which the matter is
23 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the
24 Administrative Law Judge or the Commission.

25 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
26 Communications) continues to apply to this proceeding and shall remain in effect until the
27 Commission's Decision in this matter is final and non-appealable.

28 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended

pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 23^d day of September, 2009.


TEENA WOLFE
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered
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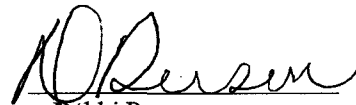
16 Attorneys for SunRun, Inc., Agua Fria Union High
17 School District; Chandler Unified School District; Casa
18 Grande Elementary School District; Continental
19 Elementary School District; Dysart Unified School
20 District; Fountain Hills Unified School District; Ft.
21 Thomas Unified School District; Gilbert Unified School
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